

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CONCORD MUSIC GROUP, INC., et al.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case No. 3:23-cv-01092

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair Newbern

DECLARATION OF ATTORNEY TIMOTHY CHUNG

I, **Timothy Chung**, hereby declare pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney at the law firm of Oppenheim + Zebrak, LLP (“O+Z”). I represent Plaintiffs Concord Music Group, Inc., Capitol CMG, Inc., Universal Music Corp., Songs of Universal, Inc., Universal Music – MGB NA LLC, Polygram Publishing, Inc., Universal Music – Z Tunes LLC, and ABKCO Music, Inc. (collectively, “Publishers”) in this matter.

2. I respectfully submit this declaration in support of Plaintiffs’ Memorandum in Opposition to Defendant’s Motion to Dismiss, or, in the Alternative, to Transfer.

3. I have knowledge of the facts stated herein based on personal knowledge and my review of the documents, files, websites, and other items referenced herein. If called upon to do so, I am able to testify competently to the matters as stated herein.

4. Attached as **Exhibit A** hereto is a true and correct copy of an article by Hayden Field published by CNBC on December 22, 2023, entitled “Anthropic, the OpenAI rival, is in talks to raise \$750 million in funding at an \$18.4 billion valuation,” available at <https://cnb.cx/3tr884k>.

5. Attached as **Exhibit B** hereto is a true and correct copy of a webpage from Anthropic’s website, entitled “Meet Claude,” available at <https://www.anthropic.com/product>.

6. Attached as **Exhibit C** hereto is a true and correct copy of a webpage from Anthropic's website, entitled "Supported Countries and Regions: Claude.ai," available at <https://perma.cc/AF84-6BS6>.

7. Attached as **Exhibit D** hereto are true and correct copies of webpages sequentially shown to users signing up for access to Anthropic's Claude services, available at <https://claude.ai>.

8. Attached as **Exhibit E** hereto is a true and correct copy of a webpage from Anthropic's website, entitled "Glossary," available at <https://perma.cc/NXZ6-DNVR>.

9. Attached as **Exhibit F** hereto are true and correct copies of datasets uploaded by Anthropic reflecting human feedback used to "train preference" or reward Anthropic's AI models, available at <https://huggingface.co/datasets/Anthropic/hh-rlhf>.

10. Attached as **Exhibit G** hereto is a true and correct copy of Anthropic employee's Thompson Paine's LinkedIn profile page, available at <https://www.linkedin.com/in/thompson-paine>.

11. Attached as **Exhibit H** hereto is a true and correct copy of a Tweet posted by Anthropic employee Thompson Paine on X (formerly Twitter), dated July 11, 2023, available at <https://perma.cc/8WXG-VKJY>.

12. Attached as **Exhibit I** hereto is a true and correct copy of a Tweet authored by Anthropic, reposted by Anthropic employee Thompson Paine on X (formerly Twitter) on Sept. 7, 2023, available at <https://twitter.com/dtompaine>.

13. Attached as **Exhibit I** hereto is a true and correct copy of a LinkedIn post authored by Anthropic, shared by Anthropic employee Thompson Paine on LinkedIn on Nov. 21, 2023, available at <https://perma.cc/4VCZ-MLCH>.

14. Attached as **Exhibit K** hereto is a true and correct copy of a LinkedIn post authored by a user requesting “API access to Claude,” to which Anthropic employee Thompson Paine responded, “Invite sent!” on July 24, 2023, available at <https://perma.cc/8M6D-M9ST>.

15. Attached as **Exhibit L** hereto is a true and correct copy of a LinkedIn post published by Anthropic employee Thompson Paine on July 19, 2023, available at <https://perma.cc/ZML6-52JC>.

16. Attached as **Exhibit M** hereto is a true and correct copy of Anthropic employee Brian Kustera’s LinkedIn profile page, available at <https://www.linkedin.com/in/bkustera>.

17. Attached as **Exhibit N** hereto is a true and correct copy of a webpage from Anthropic’s website, entitled “Getting access to Claude,” available at <https://perma.cc/F6NU-SHXL>.

18. Attached as **Exhibit O** hereto is a true and correct copy of a webpage from Anthropic’s website, entitled “Claude API Access,” available at <https://perma.cc/TYJ9-WE3Z>.

19. Attached as **Exhibit P** hereto is a true and correct copy of Lonely Planet USA LLC’s publicly available Business Entity Details obtained using the Tennessee Secretary of State’s Office’s online Business Information Search service.

20. Attached as **Exhibit Q** hereto is a true and correct copy of an article posted to Anthropic’s website on Aug. 23, 2023, entitled “Claude 2 on Amazon Bedrock,” available at <https://perma.cc/P3ZR-9LPY>.

21. Attached as **Exhibit R** hereto is a true and correct copy of an article posted to Anthropic’s website on Sept. 25, 2023, entitled “Expanding access to safer AI with Amazon,” available at <https://perma.cc/27CP-EKTJ>.

22. Attached as **Exhibit S** hereto is a true and correct copy of an article by Jeffrey Dastin published by Reuters on Sept. 29, 2023, entitled “Amazon steps up AI race with Anthropic investment,” available at <https://perma.cc/TKE6-9S2A?type=image>.

23. Attached as **Exhibit T** hereto is a true and correct copy of a client success article posted to Innovative Solutions’ website, entitled “Preverity,” available at <https://perma.cc/5J82-2F9K>.

24. Attached as **Exhibit U** hereto is a true and correct copy of a client success article posted to Innovative Solutions’ website, entitled “LivTech,” available at <https://perma.cc/L65T-NHUD>.

25. Attached as **Exhibit V** hereto is a true and correct copy of Preverity, Inc.’s website home page, available at <https://preverity.com>.

26. Attached as **Exhibit X** hereto is a true and correct copy of LivTech’s website home page, available at <https://livtech.com>.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my personal knowledge and belief.

Executed in New York, NY, this 22nd day of January, 2024.


Timothy Chung

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2024, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

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